



General Assembly

**Amendment**

January Session, 2021

LCO No. 7410



Offered by:  
SEN. SOMERS, 18<sup>th</sup> Dist.

To: Subst. House Bill No. 6423      File No. 431      Cal. No. 320

(As Amended)

**"AN ACT CONCERNING IMMUNIZATIONS."**

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. Section 10-204a of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective July 1, 2021*):

5      (a) Each local or regional board of education, or similar body  
6      governing a nonpublic school or schools, shall require each child to be  
7      protected by adequate immunization against diphtheria, pertussis,  
8      tetanus, poliomyelitis, measles, mumps, rubella, [hemophilus]  
9      haemophilus influenzae type B and any other vaccine required by the  
10     schedule for active immunization adopted pursuant to section 19a-7f  
11     before being permitted to enroll in any program operated by a public or  
12     nonpublic school under its jurisdiction. Before being permitted to enter  
13     seventh grade, a child shall receive a second immunization against  
14     measles. Any such child who (1) presents a certificate from a physician,

15 physician assistant, advanced practice registered nurse or local health  
16 agency stating that initial immunizations have been given to such child  
17 and additional immunizations are in process under guidelines and  
18 schedules specified by the Commissioner of Public Health; or (2)  
19 presents a certificate from a physician, physician assistant or advanced  
20 practice registered nurse stating that in the opinion of such physician,  
21 physician assistant or advanced practice registered nurse such  
22 immunization is medically contraindicated because of the physical  
23 condition of such child; or (3) presents a statement from the parents or  
24 guardian of such child that such immunization would be contrary to the  
25 religious beliefs of such child or the parents or guardian of such child,  
26 which statement shall be acknowledged, in accordance with the  
27 provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of  
28 record or a family support magistrate, (B) a clerk or deputy clerk of a  
29 court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of  
30 the peace, (F) an attorney admitted to the bar of this state, or (G)  
31 notwithstanding any provision of chapter 6, a school nurse; or (4) in the  
32 case of measles, mumps or rubella, presents a certificate from a  
33 physician, physician assistant or advanced practice registered nurse or  
34 from the director of health in such child's present or previous town of  
35 residence, stating that the child has had a confirmed case of such  
36 disease; or (5) in the case of [hemophilus] haemophilus influenzae type  
37 B has passed his fifth birthday; or (6) in the case of pertussis, has passed  
38 his sixth birthday, shall be exempt from the appropriate provisions of  
39 this section. If the parents or guardians of any child are unable to pay  
40 for such immunizations, the expense of such immunizations shall, on  
41 the recommendations of such board of education, be paid by the town.  
42 Before being permitted to enter seventh grade, the parents or guardian  
43 of any child who is exempt on religious grounds from the immunization  
44 requirements of this section, pursuant to subdivision (3) of this  
45 subsection, shall present to such school a statement that such  
46 immunization requirements are contrary to the religious beliefs of such  
47 child or the parents or guardian of such child, which statement shall be  
48 acknowledged, in accordance with the provisions of sections 1-32, 1-34  
49 and 1-35, by (A) a judge of a court of record or a family support

50 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town  
51 clerk, (D) a notary public, (E) a justice of the peace, (F) an attorney  
52 admitted to the bar of this state, or (G) notwithstanding any provision  
53 of chapter 6, a school nurse.

54 (b) The definitions of adequate immunization shall reflect the  
55 schedule for active immunization adopted pursuant to section 19a-7f  
56 and be established by regulation adopted in accordance with the  
57 provisions of chapter 54 by the Commissioner of Public Health, who  
58 shall also be responsible for providing procedures under which said  
59 boards and said similar governing bodies shall collect and report  
60 immunization data on each child to the Department of Public Health for  
61 compilation and analysis by said department.

62 (c) The Commissioner of Public Health may issue a temporary waiver  
63 to the schedule for active immunization for any vaccine if the National  
64 Centers for Disease Control and Prevention recognizes a nation-wide  
65 shortage of supply for such vaccine.

66 (d) Notwithstanding the provisions of subsections (a) and (b) of this  
67 section, no local or regional board of education, or similar body  
68 governing a nonpublic school or schools, shall require a child to be  
69 protected by adequate immunization against diphtheria, pertussis,  
70 tetanus, poliomyelitis, measles, mumps, rubella, haemophilus  
71 influenzae type B or any other vaccine required by the schedule for  
72 active immunization adopted pursuant to section 19a-7f before being  
73 permitted to enroll in any program operated by a public or nonpublic  
74 school under its jurisdiction if the efficacy or safety of such vaccine or  
75 fraud in the use or administration of such vaccine is the subject of  
76 litigation due to safety concerns pending in any federal court or a court  
77 of any state.

78 Sec. 2. Section 19a-79 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective July 1, 2021*):

80 (a) The Commissioner of Early Childhood shall adopt regulations, in  
81 accordance with the provisions of chapter 54, to carry out the purposes

82 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,  
83 and to assure that child care centers and group child care homes meet  
84 the health, educational and social needs of children utilizing such child  
85 care centers and group child care homes. Such regulations shall (1)  
86 specify that before being permitted to attend any child care center or  
87 group child care home, each child shall be protected as age-appropriate  
88 by adequate immunization against diphtheria, pertussis, tetanus,  
89 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus  
90 influenzae type B and any other vaccine required by the schedule of  
91 active immunization adopted pursuant to section 19a-7f, including  
92 appropriate exemptions for children for whom such immunization is  
93 medically contraindicated and for children whose parent or guardian  
94 objects to such immunization on religious grounds, and that any  
95 objection by a parent or a guardian to immunization of a child on  
96 religious grounds shall be accompanied by a statement from such parent  
97 or guardian that such immunization would be contrary to the religious  
98 beliefs of such child or the parent or guardian of such child, which  
99 statement shall be acknowledged, in accordance with the provisions of  
100 sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family  
101 support magistrate, (B) a clerk or deputy clerk of a court having a seal,  
102 (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an  
103 attorney admitted to the bar of this state, (2) specify conditions under  
104 which child care center directors and teachers and group child care  
105 home providers may administer tests to monitor glucose levels in a child  
106 with diagnosed diabetes mellitus, and administer medicinal  
107 preparations, including controlled drugs specified in the regulations by  
108 the commissioner, to a child receiving child care services at such child  
109 care center or group child care home pursuant to the written order of a  
110 physician licensed to practice medicine or a dentist licensed to practice  
111 dental medicine in this or another state, or an advanced practice  
112 registered nurse licensed to prescribe in accordance with section 20-94a,  
113 or a physician assistant licensed to prescribe in accordance with section  
114 20-12d, and the written authorization of a parent or guardian of such  
115 child, (3) specify that an operator of a child care center or group child  
116 care home, licensed before January 1, 1986, or an operator who receives

117 a license after January 1, 1986, for a facility licensed prior to January 1,  
118 1986, shall provide a minimum of thirty square feet per child of total  
119 indoor usable space, free of furniture except that needed for the  
120 children's purposes, exclusive of toilet rooms, bathrooms, coatrooms,  
121 kitchens, halls, isolation room or other rooms used for purposes other  
122 than the activities of the children, (4) specify that a child care center or  
123 group child care home licensed after January 1, 1986, shall provide  
124 thirty-five square feet per child of total indoor usable space, (5) establish  
125 appropriate child care center staffing requirements for employees  
126 certified in cardiopulmonary resuscitation by the American Red Cross,  
127 the American Heart Association, the National Safety Council, American  
128 Safety and Health Institute, Medic First Aid International, Inc. or an  
129 organization using guidelines for cardiopulmonary resuscitation and  
130 emergency cardiovascular care published by the American Heart  
131 Association and International Liaison Committee on Resuscitation, (6)  
132 specify that on and after January 1, 2003, a child care center or group  
133 child care home (A) shall not deny services to a child on the basis of a  
134 child's known or suspected allergy or because a child has a prescription  
135 for an automatic prefilled cartridge injector or similar automatic  
136 injectable equipment used to treat an allergic reaction, or for injectable  
137 equipment used to administer glucagon, (B) shall, not later than three  
138 weeks after such child's enrollment in such a center or home, have staff  
139 trained in the use of such equipment on-site during all hours when such  
140 a child is on-site, (C) shall require such child's parent or guardian to  
141 provide the injector or injectable equipment and a copy of the  
142 prescription for such medication and injector or injectable equipment  
143 upon enrollment of such child, and (D) shall require a parent or  
144 guardian enrolling such a child to replace such medication and  
145 equipment prior to its expiration date, (7) specify that on and after  
146 January 1, 2005, a child care center or group child care home (A) shall  
147 not deny services to a child on the basis of a child's diagnosis of asthma  
148 or because a child has a prescription for an inhalant medication to treat  
149 asthma, and (B) shall, not later than three weeks after such child's  
150 enrollment in such a center or home, have staff trained in the  
151 administration of such medication on-site during all hours when such a

152 child is on-site, and (8) establish physical plant requirements for  
153 licensed child care centers and licensed group child care homes that  
154 exclusively serve school-age children. When establishing such  
155 requirements, the Office of Early Childhood shall give consideration to  
156 child care centers and group child care homes that are located in private  
157 or public school buildings. With respect to this subdivision only, the  
158 commissioner shall implement policies and procedures necessary to  
159 implement the physical plant requirements established pursuant to this  
160 subdivision while in the process of adopting such policies and  
161 procedures in regulation form. Until replaced by policies and  
162 procedures implemented pursuant to this subdivision, any physical  
163 plant requirement specified in the office's regulations that is generally  
164 applicable to child care centers and group child care homes shall  
165 continue to be applicable to such centers and homes that exclusively  
166 serve school-age children. The commissioner shall print notice of the  
167 intent to adopt regulations pursuant to this subdivision on the  
168 eRegulations System not later than twenty days after the date of  
169 implementation of such policies and procedures. Policies and  
170 procedures implemented pursuant to this subdivision shall be valid  
171 until the time final regulations are adopted.

172 (b) The commissioner may adopt regulations, pursuant to chapter 54,  
173 to establish civil penalties of not more than one hundred dollars per day  
174 for each day of violation and other disciplinary remedies that may be  
175 imposed, following a contested-case hearing, upon the holder of a  
176 license issued under section 19a-80 to operate a child care center or  
177 group child care home or upon the holder of a license issued under  
178 section 19a-87b to operate a family child care home.

179 (c) The commissioner shall exempt Montessori schools accredited by  
180 the American Montessori Society or the Association Montessori  
181 Internationale from any provision in regulations adopted pursuant to  
182 subsection (a) of this section which sets requirements on group size or  
183 child to staff ratios or the provision of cots.

184 (d) Upon the declaration by the Governor of a civil preparedness

185 emergency pursuant to section 28-9 or a public health emergency  
186 pursuant to section 19a-131a, the commissioner may waive the  
187 provisions of any regulation adopted pursuant to this section if the  
188 commissioner determines that such waiver would not endanger the life,  
189 safety or health of any child. The commissioner shall prescribe the  
190 duration of such waiver, provided such waiver shall not extend beyond  
191 the duration of the declared emergency. The commissioner shall  
192 establish the criteria by which a waiver request shall be made and the  
193 conditions for which a waiver will be granted or denied. The provisions  
194 of section 19a-84 shall not apply to a denial of a waiver request under  
195 this subsection.

196 (e) Any child care center or group child care home may provide child  
197 care services to homeless children and youths, as defined in 42 USC  
198 11434a, as amended from time to time, for a period not to exceed ninety  
199 days without complying with any provision in regulations adopted  
200 pursuant to this section relating to immunization and physical  
201 examination requirements. Any child care center or group child care  
202 home that provides child care services to homeless children and youths  
203 at such center or home under this subsection shall maintain a record on  
204 file of all homeless children and youths who have attended such center  
205 or home for a period of two years after such homeless children or youths  
206 are no longer receiving child care services at such center or home.

207 (f) Any child care center or group child care home may provide child  
208 care services to a foster child for a period not to exceed forty-five days  
209 without complying with any provision in regulations adopted pursuant  
210 to this section relating to immunization and physical examination  
211 requirements. Any child care center or group child care home that  
212 provides child care services to a foster child at such center or home  
213 under this subsection shall maintain a record on file of such foster child  
214 for a period of two years after such foster child is no longer receiving  
215 child care services at such center or home. For purposes of this  
216 subsection, "foster child" means a child who is in the care and custody  
217 of the Commissioner of Children and Families and placed in a foster  
218 home licensed pursuant to section 17a-114, foster home approved by a

219 child-placing agency licensed pursuant to section 17a-149, facility  
220 licensed pursuant to section 17a-145 or with a relative or fictive kin  
221 caregiver pursuant to section 17a-114.

222 (g) Notwithstanding the provisions of subsection (a) of this section,  
223 no child care center or group child care home shall require a child to be  
224 protected as age-appropriate by adequate immunization against  
225 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,  
226 haemophilus influenzae type B or any other vaccine required by the  
227 schedule of active immunization adopted pursuant to section 19a-7f  
228 before being permitted to attend such center or home if the efficacy or  
229 safety of such vaccine or fraud in the use or administration of such  
230 vaccine is the subject of litigation due to safety concerns pending in any  
231 federal court or a court of any state.

232 Sec. 3. Section 19a-87b of the general statutes is repealed and the  
233 following is substituted in lieu thereof (*Effective July 1, 2021*):

234 (a) No person, group of persons, association, organization,  
235 corporation, institution or agency, public or private, shall maintain a  
236 family child care home, as defined in section 19a-77, without a license  
237 issued by the Commissioner of Early Childhood. Licensure forms shall  
238 be obtained from the Office of Early Childhood. Applications for  
239 licensure shall be made to the commissioner on forms provided by the  
240 office and shall contain the information required by regulations adopted  
241 under this section. The licensure and application forms shall contain a  
242 notice that false statements made therein are punishable in accordance  
243 with section 53a-157b. Applicants shall state, in writing, that they are in  
244 compliance with the regulations adopted by the commissioner pursuant  
245 to subsection (f) of this section. Before a family child care home license  
246 is granted, the office shall make an inquiry and investigation which shall  
247 include a visit and inspection of the premises for which the license is  
248 requested. Any inspection conducted by the office shall include an  
249 inspection for evident sources of lead poisoning. The office shall provide  
250 for a chemical analysis of any paint chips found on such premises.  
251 Neither the commissioner nor the commissioner's designee shall require

252 an annual inspection for homes seeking license renewal or for licensed  
253 homes, except that the commissioner or the commissioner's designee  
254 shall make an unannounced visit, inspection or investigation of each  
255 licensed family child care home at least once every year. A licensed  
256 family child care home shall not be subject to any conditions on the  
257 operation of such home by local officials, other than those imposed by  
258 the office pursuant to this subsection, if the home complies with all local  
259 codes and ordinances applicable to single and multifamily dwellings.

260 (b) No person shall act as an assistant or substitute staff member to a  
261 person or entity maintaining a family child care home, as defined in  
262 section 19a-77, without an approval issued by the commissioner. Any  
263 person seeking to act as an assistant or substitute staff member in a  
264 family child care home shall submit an application for such approval to  
265 the office. Applications for approval shall: (1) Be made to the  
266 commissioner on forms provided by the office, (2) contain the  
267 information required by regulations adopted under this section, and (3)  
268 be accompanied by a fee of fifteen dollars. The approval application  
269 forms shall contain a notice that false statements made in such form are  
270 punishable in accordance with section 53a-157b.

271 (c) The commissioner, within available appropriations, shall require  
272 each initial applicant or prospective employee of a family child care  
273 home in a position requiring the provision of care to a child, including  
274 an assistant or substitute staff member and each household member  
275 who is sixteen years of age or older, to submit to comprehensive  
276 background checks, including state and national criminal history  
277 records checks. The criminal history records checks required pursuant  
278 to this subsection shall be conducted in accordance with section 29-17a.  
279 The commissioner shall also request a check of the state child abuse  
280 registry established pursuant to section 17a-101k. The commissioner  
281 shall notify each licensee of the provisions of this subsection. For  
282 purposes of this subsection, "household member" means any person,  
283 other than the person who is licensed to conduct, operate or maintain a  
284 family child care home, who resides in the family child care home, such  
285 as the licensee's spouse or children, tenants and any other occupant.

286 (d) An application for initial licensure pursuant to this section shall  
287 be accompanied by a fee of forty dollars and such license shall be issued  
288 for a term of four years. An application for renewal of a license issued  
289 pursuant to this section shall be accompanied by a fee of forty dollars  
290 and a certification from the licensee that any child enrolled in the family  
291 child care home has received age-appropriate immunizations in  
292 accordance with regulations adopted pursuant to subsection (f) of this  
293 section. A license issued pursuant to this section shall be renewed for a  
294 term of four years. In the case of an applicant submitting an application  
295 for renewal of a license that has expired, and who has ceased operations  
296 of a family child care home due to such expired license, the  
297 commissioner may renew such expired license within thirty days of the  
298 date of such expiration upon receipt of an application for renewal that  
299 is accompanied by such fee and such certification.

300 (e) An application for initial staff approval or renewal of staff  
301 approval shall be accompanied by a fee of fifteen dollars. Such  
302 approvals shall be issued or renewed for a term of two years.

303 (f) The commissioner shall adopt regulations, in accordance with the  
304 provisions of chapter 54, to assure that family child care homes, as  
305 defined in section 19a-77, meet the health, educational and social needs  
306 of children utilizing such homes. Such regulations shall ensure that the  
307 family child care home is treated as a residence, and not an institutional  
308 facility. Such regulations shall specify that each child be protected as  
309 age-appropriate by adequate immunization against diphtheria,  
310 pertussis, tetanus, poliomyelitis, measles, mumps, rubella,  
311 [hemophilus] haemophilus influenzae type B and any other vaccine  
312 required by the schedule of active immunization adopted pursuant to  
313 section 19a-7f. Such regulations shall provide appropriate exemptions  
314 for children for whom such immunization is medically contraindicated  
315 and for children whose parents or guardian objects to such  
316 immunization on religious grounds and require that any such objection  
317 be accompanied by a statement from such parents or guardian that such  
318 immunization would be contrary to the religious beliefs of such child or  
319 the parents or guardian of such child, which statement shall be

320 acknowledged, in accordance with the provisions of sections 1-32, 1-34  
321 and 1-35, by (1) a judge of a court of record or a family support  
322 magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town  
323 clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney  
324 admitted to the bar of this state. Such regulations shall also specify  
325 conditions under which family child care home providers may  
326 administer tests to monitor glucose levels in a child with diagnosed  
327 diabetes mellitus, and administer medicinal preparations, including  
328 controlled drugs specified in the regulations by the commissioner, to a  
329 child receiving child care services at a family child care home pursuant  
330 to a written order of a physician licensed to practice medicine in this or  
331 another state, an advanced practice registered nurse licensed to  
332 prescribe in accordance with section 20-94a or a physician assistant  
333 licensed to prescribe in accordance with section 20-12d, and the written  
334 authorization of a parent or guardian of such child. Such regulations  
335 shall specify appropriate standards for extended care and intermittent  
336 short-term overnight care. The commissioner shall inform each licensee,  
337 by way of a plain language summary provided not later than sixty days  
338 after the regulation's effective date, of any new or changed regulations  
339 adopted under this subsection with which a licensee must comply.

340 (g) Upon the declaration by the Governor of a civil preparedness  
341 emergency pursuant to section 28-9 or a public health emergency  
342 pursuant to section 19a-131a, the commissioner may waive the  
343 provisions of any regulation adopted pursuant to this section if the  
344 commissioner determines that such waiver would not endanger the life,  
345 safety or health of any child. The commissioner shall prescribe the  
346 duration of such waiver, provided such waiver shall not extend beyond  
347 the duration of the declared emergency. The commissioner shall  
348 establish the criteria by which a waiver request shall be made and the  
349 conditions for which a waiver will be granted or denied. The provisions  
350 of section 19a-84 shall not apply to a denial of a waiver request under  
351 this subsection.

352 (h) Any family child care home may provide child care services to  
353 homeless children and youths, as defined in 42 USC 11434a, as amended

354 from time to time, for a period not to exceed ninety days without  
355 complying with any provision in regulations adopted pursuant to this  
356 section relating to immunization and physical examination  
357 requirements. Any family child care home that provides child care  
358 services to homeless children and youths at such home under this  
359 subsection shall maintain a record on file of all homeless children and  
360 youths who have attended such home for a period of two years after  
361 such homeless children or youths are no longer receiving child care  
362 services at such home.

363 (i) Any family child care home may provide child care services to a  
364 foster child for a period not to exceed forty-five days without complying  
365 with any provision in regulations adopted pursuant to this section  
366 relating to immunization and physical examination requirements. Any  
367 family child care home that provides child care services to a foster child  
368 at such home under this subsection shall maintain a record on file of  
369 such foster child for a period of two years after such foster child is no  
370 longer receiving child care services at such home. For purposes of this  
371 subsection, "foster child" means a child who is in the care and custody  
372 of the Commissioner of Children and Families and placed in a foster  
373 home licensed pursuant to section 17a-114, foster home approved by a  
374 child-placing agency licensed pursuant to section 17a-149, facility  
375 licensed pursuant to section 17a-145 or with a relative or fictive kin  
376 caregiver pursuant to section 17a-114.

377 (j) Notwithstanding the provisions of subsections (d) and (f) of this  
378 section, no family child care home shall require a child to be protected  
379 as age-appropriate by adequate immunization against diphtheria,  
380 pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus  
381 influenzae type B or any other vaccine required by the schedule of active  
382 immunization adopted pursuant to section 19a-7f before being  
383 permitted to attend such home if the efficacy or safety of such vaccine  
384 or fraud in the use or administration of such vaccine is the subject of  
385 litigation due to safety concerns pending in any federal court or a court  
386 of any state."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	10-204a
Sec. 2	<i>July 1, 2021</i>	19a-79
Sec. 3	<i>July 1, 2021</i>	19a-87b